

EXHIBIT 1

Docket as of October 30, 2001 11:28 pm

Web PACER (v2.3)

U.S. District Court

U.S. District for the Northern District of California (San Jose)

CIVIL DOCKET FOR CASE #: 99-CV-21163

Affymetrix, Inc. v. Hyseq, Inc.

Filed: 08/18/98
Assigned to: Judge Jeremy Fogel
Jury demand: Both
Demand: \$0,000
Nature of Suit: 830
Lead Docket: 99-CV-21111
Jurisdiction: Federal Question
Dkt# in other court: None
Cause: 35:271 Patent Infringement

AFFYMETRIX, INC., a California
corporation
Plaintiff

Morgan Chu
[COR LD NTC]
Richard de Bodo
[COR NTC]
Jeffrey L. Arrington
[COR NTC]
Marc A. Fenster
[COR NTC]
Irell & Manella LLP
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v.

HYSEQ, INC., a Nevada
corporation
defendant

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=====
READ AMBLER, Judge
Special Master

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
8/18/98	1	COMPLAINT Summons(es) issued; Fee status pd entered on 8/18/98 in the amount of \$150.00 (Receipt No. 505532); jury demand [3:98-cv-03192] (lcc) [Entry date 08/20/98]
8/18/98	2	ORDER RE COURT PROCEDURE and SCHEDULE (ADR Multi-Option) by Judge Fern M. Smith: Proof of service to be filed by 10/2/98; counsels' case management statement to be filed by 12/8/98; initial case management conference will be held 8:30 12/18/98. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 08/20/98]
8/18/98	--	REPORT on the filing or determination of an action regarding Patent Infringement (5,795,716 and 5,744,305). (cc: form mailed to register) [3:98-cv-03192] (lcc) [Entry date 08/20/98]
8/25/98	3	NOTICE (by fax) by Plaintiff Affymetrix, Inc. of related case(s) 5:97-cv-20188 RMW and 5:98-cv-20029 RMW [3:98-cv-03192] (lcc) [Entry date 08/26/98]
9/1/98	4	FIRST AMENDED COMPLAINT [1-1] by Plaintiff Affymetrix, Inc.; jury demand [3:98-cv-03192] (lcc) [Entry date 09/01/98]
9/1/98	5	PROOF OF SERVICE by Plaintiff Affymetrix, Inc. of first amended complaint [4-1] [3:98-cv-03192] (lcc) [Entry date 09/01/98]
9/4/98	6	RESPONSE by defendant Hyseq, Inc. to related case notice [3-1] [3:98-cv-03192] (lcc) [Entry date 09/08/98]
9/8/98	7	RETURN OF SERVICE executed upon defendant Hyseq, Inc. (personally served James N. Fletcher) on 9/2/98 of first amended complaint. [3:98-cv-03192] (lcc) [Entry date 09/08/98]
9/11/98	8	REPLY (by fax) by Plaintiff Affymetrix, Inc. to response

[6-1] [3:98-cv-03192] (lcc) [Entry date 09/14/98]

9/16/98 9 EX-PARTE MOTION before Judge Fern M. Smith by defendant Hyseq, Inc. to enlarge time to respond to the original complaint and to the amended complaint [3:98-cv-03192] (lcc) [Entry date 09/17/98]

9/16/98 10 DECLARATION by Mary A. Wiggins on behalf of defendant Hyseq, Inc. in support of ex parte motion to enlarge time to respond to the original complaint and to the amended complaint [9-1] [3:98-cv-03192] (lcc) [Entry date 09/17/98]

9/16/98 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: ex parte motion to enlarge time to respond to the original complaint and to the amended complaint [9-1] [3:98-cv-03192] (lcc) [Entry date 09/17/98]

9/21/98 11 NOTICE by defendant Hyseq, Inc. withdrawing ex parte motion to enlarge time to respond to the original complaint and to the amended complaint [9-1] [3:98-cv-03192] (lcc) [Entry date 09/21/98]

9/21/98 -- RECEIVED Stipulated Request and Proposed Order (defendant Hyseq, Inc.) to enlarge time to respond to the first amended complaint [3:98-cv-03192] (lcc) [Entry date 09/21/98]

9/22/98 12 ORDER by Judge Fern M. Smith GRANTING defendant's ex parte motion to enlarge time to respond to the original complaint and to the complaint [9-1] by thirty (30) days to and until 10/16/98. The Court expects counsel to extend reasonable courtesy in matters of this sort. (Date Entered: 9/24/98) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 09/24/98]

9/23/98 13 ORDER by Judge Ronald M. Whyte DENYING plaintiff's related case notice [3-1]. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 09/28/98]

10/16/98 14 NOTICE OF MOTION AND MOTION WITH POINTS AND AUTHORITIES before Judge Fern M. Smith by defendant Hyseq, Inc. to dismiss or, alternatively for a more definite statement and to compel production of plaintiff's initial disclosure and the prosecution history of the '992 patent with Notice set for 11/20/98 at 10:00 am [3:98-cv-03192] (lcc) [Entry date 10/16/98]

10/16/98 15 DECLARATION by Warren S. Heit on behalf of defendant Hyseq, Inc. in support of motion to dismiss [14-1], motion for a more definite statement [14-2] and motion to compel production plaintiff's initial disclosure and the prosecution history of the '992 patent [14-3] [3:98-cv-03192] (lcc) [Entry date 10/16/98]

10/16/98 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: motion to dismiss [14-1], motion for a more definite statement [14-2] and motion to compel production of plaintiff's initial disclosure and the prosecution history of the '992 patent [14-3] [3:98-cv-03192] (lcc) [Entry date 10/16/98]

10/30/98 16 OPPOSITION (by fax) by Plaintiff Affymetrix, Inc. to motion to dismiss [14-1], motion for a more definite statement [14-2] and motion to compel production of plaintiff's initial disclosure and the prosecution history of the '992 patent [14-3] [3:98-cv-03192] (lcc) [Entry date 11/02/98]

11/5/98 17 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by defendant Hyseq, Inc. for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq with Notice set for 12/18/98 at 10:00 am [3:98-cv-03192] (lcc)

[Entry date 11/06/98]

11/5/98 18 DECLARATION by Jon R. Stark on behalf of defendant Hyseq, Inc. in support of motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1] [3:98-cv-03192] (lcc) [Entry date 11/06/98]

11/5/98 19 DECLARATION by Ann M. Caviani on behalf of defendant Hyseq, Inc. in support of motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1] [3:98-cv-03192] (lcc) [Entry date 11/06/98]

11/5/98 20 DECLARATION by Kathleen Fowler on behalf of defendant Hyseq, Inc. in support of motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1] [3:98-cv-03192] (lcc) [Entry date 11/06/98]

11/5/98 21 DECLARATION by Wei Zhou on behalf of defendant Hyseq, Inc. in support of motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1] [3:98-cv-03192] (lcc) [Entry date 11/06/98]

11/5/98 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: motion for an order that Pennie & Edmonds LLP is not disqualified

from representing defendant Hyseq [17-1] [3:98-cv-03192]
(lcc) [Entry date 11/06/98]

- 11/6/98 22 REPLY by defendant Hyseq, Inc. to opposition to motion to dismiss [14-1], motion for a more definite statement [14-2] and motion to compel production of plaintiff's initial disclosure and the prosecution history of the '992 patent [14-3] [3:98-cv-03192] (lcc) [Entry date 11/09/98]
- 11/6/98 23 DECLARATION by Warren S. Heit on behalf of defendant Hyseq, Inc. in support of motion reply [22-1] [3:98-cv-03192] (lcc) [Entry date 11/09/98]
- 11/6/98 24 DECLARATION by Wei Zhou on behalf of defendant Hyseq, Inc. in support of motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1] [3:98-cv-03192] (lcc) [Entry date 11/09/98]
- 11/9/98 25 ORDER by Judge Fern M. Smith DENYING defendant's motion to dismiss [14-1], DENYING defendant's motion for a more definite statement [14-2] and DENYING defendant's motion to compel production of plaintiff's initial disclosure and the prosecution history of the '992 patent [14-3]. (Date Entered: 11/10/98) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 11/10/98]
- 11/10/98 26 LETTER dated 10/30/98 from Jon R. Stark to Judge Fern M. Smith bringing to the Court's attention a dispute regarding inadequacy of Affymetrix's Initial Disclosures under Local Rule 16-7. [3:98-cv-03192] (lcc) [Entry date 11/10/98]
- 11/10/98 27 LETTER dated 11/3/98 from Jeffrey L. Arrington to Judge Fern M. Smith bringing to the Court's attention two discovery disputes and respectfully requests that the Court schedule a telephonic conference to discuss these issues further. [3:98-cv-03192] (lcc) [Entry date 11/10/98]
- 11/10/98 -- REFERRAL: referring case for discovery to Mag. Judge Maria-Elena James [3:98-cv-03192] (wh) [Entry date 11/10/98]
- 11/10/98 28 ORDER by Judge Fern M. Smith: That ALL PENDING AND FUTURE DISCOVERY MATTERS in this case are referred for random assignment to a Magistrate Judge. The Court also REFERS, for report and recommendation, defendant's motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1], filed 11/5/98, and currently set for hearing 12/18/98. All current hearings on pending motions are VACATED. The parties will be notified

as to briefing schedules by the Magistrate Judge assigned to the case. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 11/16/98]

11/23/98 29 ANSWER by defendant Hyseq, Inc. to first amended complaint [4-1] [3:98-cv-03192] (lcc) [Entry date 11/24/98]

12/2/98 30 NOTICE OF REFERENCE AND ORDER OF DISCOVERY AND DISCLOSURE DISPUTE PROCEDURES by Mag. Judge Maria-Elena James: The hearing regarding defendant's motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1] is no longer noticed before Judge Fern M. Smith's calendar. Plaintiff's opposition due 12/18/98 and defendant's reply due 12/29/98. After receipt and review of the parties' papers, the Court will order a hearing date or issue a report and recommendation on the papers without oral arguments. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 12/09/98]

12/8/98 31 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [3:98-cv-03192] (lcc) [Entry date 12/09/98]

12/9/98 32 CERTIFICATION (by fax) of discussion of ADR options by Plaintiff Affymetrix, Inc. [3:98-cv-03192] (lcc) [Entry date 12/09/98]

12/16/98 33 EX-PARTE REQUEST before Judge Fern M. Smith by defendant Hyseq, Inc. to continue Case Management Conference [3:98-cv-03192] (lcc) [Entry date 12/16/98]

12/16/98 34 DECLARATION by Warren S. Heit on behalf of defendant Hyseq, Inc. in support of ex parte request to continue Case Management Conference [33-1] [3:98-cv-03192] (lcc) [Entry date 12/16/98]

12/16/98 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: ex parte request to continue Case Management Conference [33-1] [3:98-cv-03192] (lcc) [Entry date 12/16/98]

12/16/98 35 STATEMENT IN RESPONSE by Plaintiff Affymetrix, Inc. to ex parte request to continue Case Management Conference [33-1] [3:98-cv-03192] (lcc) [Entry date 12/16/98]

12/17/98 36 ORDER by Judge Fern M. Smith GRANTING defendant's ex parte request to continue Case Management Conference [33-1]. Case Management Conference CONTINUED to 8:30 1/15/99. The parties shall be prepared to discuss whether the

appointment of a special master is appropriate. (Date Entered: 12/18/98) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 12/18/98]

- 12/29/98 37 REPLY by defendant Hyseq, Inc. to response [35-1] [3:98-cv-03192] (lcc) [Entry date 12/29/98]
- 12/29/98 37 CROSS-MOTION by defendant Hyseq, Inc. for an order that Pennie & Edmonds LLP is not disqualified from representing Hyseq in this pending action [3:98-cv-03192] (lcc) [Entry date 12/29/98] [Edit date 01/25/99]
- 1/7/99 38 EX-PARTE MOTION (by fax) before Mag. Judge Maria-Elena James by Plaintiff Affymetrix, Inc. for leave to file document under seal [3:98-cv-03192] (lcc) [Entry date 01/07/99]
- 1/7/99 -- RECEIVED (by fax) Proposed Order (Plaintiff Affymetrix, Inc.) re: ex parte motion for leave to file document under seal [38-1] [3:98-cv-03192] (lcc) [Entry date 01/07/99]
- 1/11/99 39 DEFENDANT'S EX PARTE SUPPLEMENTAL CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [3:98-cv-03192] (lcc) [Entry date 01/12/99]
- 1/13/99 40 SUPPLEMENTAL DECLARATION by Ann M. Caviani Pease on behalf of defendant Hyseq, Inc. in support of reply [37-1] and cross-motion for an order that Pennie & Edmonds LLP is not disqualified from representing Hyseq in this pending action [37-1] [3:98-cv-03192] (lcc) [Entry date 01/14/99] [Edit date 01/25/99]
- 1/15/99 41 MINUTES: (C/R - none) INITIAL CASE MANAGEMENT CONFERENCE HELD. All discovery has been referred to Magistrate Judge Maria-Elena James. Defendant never received notice of related cases file on 11/98 and does oppose cases being related. Case continued to 10/21/99 at time to be set for Markman Hearing. Pre-trial Conference will be held 2:30 4/21/00; Jury Trial set for 8:30 5/8/00. Set for 16 days. [3:98-cv-03192] (lcc) [Entry date 01/15/99]
- 1/15/99 42 ORDER by Mag. Judge Maria-Elena James Regarding Plaintiff's Ex Parte Motion for Leave to File Documents Under Seal [38-1]: Good cause appearing, this Court ORDERS the parties to meet and confer in an attempt to enter into a stipulated protective order which would permit disclosure of the documents at issue. The parties shall meet and confer as provided in paragraph 3 of this Court's "Order of Discovery

and Disclosure Dispute Procedures" which was previously sent to the parties. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 01/20/99]

- 1/22/99 43 ORDER by Mag. Judge Maria-Elena James GRANTING plaintiff's ex parte motion for leave to file document under seal [38-1]. (Date Entered: 1/25/99) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 01/25/99]
- 1/22/99 44 ORDER by Mag. Judge Maria-Elena James GRANTING plaintiff's ex parte motion for leave to file document under seal [38-1]. (Date Entered: 1/25/99) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 01/25/99]
- 1/22/99 45 CROSS-MOTION (by fax) "FILED UNDER SEAL" for an order of disqualification [3:98-cv-03192] (scu) [Entry date 01/25/99] [Edit date 01/25/99]
- 1/22/99 45 RESPONSE (by fax) "FILED UNDER SEAL" to cross-motion for an order that Pennie & Edmonds LLP is not disqualified from representing Hyseq in this pending action [37-1] [3:98-cv-03192] (scu) [Entry date 01/25/99] [Edit date 01/25/99]
- 1/22/99 46 DECLARATION (by fax) "FILED UNDER SEAL" in support of cross-motion for an order of disqualification [45-1] and response [45-1] [3:98-cv-03192] (scu) [Entry date 01/25/99]
- 1/22/99 47 DECLARATION (by fax) by Vern Norviel on behalf of Plaintiff Affymetrix, Inc. in support of cross-motion for an order of disqualification [45-1] and response [45-1] [3:98-cv-03192] (lcc) [Entry date 01/25/99]
- 1/22/99 48 DECLARATION (by fax) by Dr. Stephen P.A. Fodor on behalf of Plaintiff Affymetrix, Inc. in support of cross-motion for an order of disqualification [45-1] and response [45-1] [3:98-cv-03192] (lcc) [Entry date 01/25/99]
- 1/22/99 49 DECLARATION (by fax) by Kenneth Nussbacher on behalf of Plaintiff Affymetrix, Inc. in support of cross-motion for an order of disqualification [45-1] and response [45-1] [3:98-cv-03192] (lcc) [Entry date 01/25/99]
- 1/22/99 50 REPLY (by fax) "FILED UNDER SEAL" in support of cross-motion for an order of disqualification [45-1] [3:98-cv-03192] (scu) [Entry date 01/25/99]

2/8/99 51 REPORT AND RECOMMENDATION to Judge Fern M. Smith by Mag. Judge Maria-Elena James concerning defendant Hyseq's motion for an order that Pennie & Edmonds LLP is not disqualified from representing defendant Hyseq [17-1], [37-1] and plaintiff's cross-motion for an order of disqualification [45-1]. Based upon the foregoing report, IT IS HEREBY RECOMMENDED that the District Court grant Hyseq's motion for an order that Pennie and Edmonds is not disqualified from representing Hyseq and deny Affymetrix's cross-motion for an order of disqualification on condition that Hyseq disqualify and screen Drs. Pease, Zhou, and Fowler, as well as the attorneys, paralegals and personnel. Dr Pease has worked with in connection with this litigation from this litigation and the San Jose litigation. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 02/09/99]

2/16/99 52 EX-PARTE REQUEST before Judge Fern M. Smith by defendant Hyseq, Inc. for extension of time to respond to plaintiff's first set of document requests (Nos. 1-32) [3:98-cv-03192] (lcc) [Entry date 02/17/99]

2/16/99 53 MEMORANDUM OF POINTS AND AUTHORITIES by defendant Hyseq, Inc. in support of ex parte request for extension of time to respond to plaintiff's first set of document requests (Nos. 1-32) [52-1] [3:98-cv-03192] (lcc) [Entry date 02/17/99]

2/16/99 54 DECLARATION by Warren S. Heit on behalf of defendant Hyseq, Inc. in support of ex parte request for extension of time to respond to plaintiff's first set of document requests (Nos. 1-32) [52-1] [3:98-cv-03192] (lcc) [Entry date 02/17/99]

2/16/99 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: ex parte request for extension of time to respond to plaintiff's first set of document requests (Nos. 1-32) [52-1] [3:98-cv-03192] (lcc) [Entry date 02/17/99]

2/17/99 55 ORDER by Judge Fern M. Smith GRANTING defendant's ex parte request for extension of time to respond to plaintiff's first set of document requests (Nos. 1-32) [52-1] until the matter of Pennie & Edmonds' legal representation of Hyseq is resolved. (Date Entered: 2/18/99) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 02/18/99]

2/25/99 -- RECEIVED (by fax) Ex Parte Request and Proposed Order (Plaintiff Affymetrix, Inc.) for an order lifting indefinite stay and clarifying order [55-1] [3:98-cv-03192] (lcc) [Entry date 02/26/99]

- 2/26/99 56 OBJECTION by defendant Hyseq, Inc. to report and recommendation [51-1] [3:98-cv-03192] (lcc) [Entry date 03/01/99]
- 2/26/99 57 SUPPLEMENTAL DECLARATION by Jon R. Stark on behalf of defendant Hyseq, Inc. in support of objection [56-1] [3:98-cv-03192] (lcc) [Entry date 03/01/99]
- 2/26/99 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: cross-motion for an order that Pennie & Edmonds LLP is not disqualified from representing Hyseq in this pending action [37-1] [3:98-cv-03192] (lcc) [Entry date 03/01/99]
- 3/5/99 58 LETTER dated 2/18/99 from Brian D. Ledahl to Judge Fern M. Smith regarding Hyseq's Ex Parte Request for an Extension of Time to Respond to Plaintiff's First Set of Document Requests (Nos. 1-32) and respectfully requests that the Court refer the matter to Magistrate Judge Maria-Elena James. [3:98-cv-03192] (lcc) [Entry date 03/08/99]
- 3/8/99 59 MINUTES: (C/R - none) (Hearing Date: 3/5/99) Status Conference held by phone. Parties will attempt to resolve more discovery on their own or will discuss a special master. Court will set a briefing schedule on disqualification motion if needed. [3:98-cv-03192] (lcc) [Entry date 03/08/99]
- 3/10/99 60 OBJECTION by defendant Hyseq, Inc. to order received (ex parte request) [0-0] [3:98-cv-03192] (lcc) [Entry date 03/15/99]
- 3/10/99 61 DECLARATION by Jon R. Stark on behalf of defendant Hyseq, Inc. in support of objection [60-1] [3:98-cv-03192] (lcc) [Entry date 03/15/99]
- 3/16/99 62 MINUTES: (C/R - none) (Hearing Date: 3/16/99) Status Conference held by phone. Court will have a hearing regarding defendant's objection to Mag. Judge Maria-Elena James' Report and Recommendation. Case continued to 4/16/99 at 10:00 a.m. for defendant's objection to RR. Plaintiff may file a reply by 4/2/99. [3:98-cv-03192] (lcc) [Entry date 03/17/99]
- 3/19/99 63 ORDER by Judge Fern M. Smith: On February 25, 1999, the Court received Affymetrix's Ex Parte Request for an Order Lifting Indefinite Stay and Clarifying Order. On March 10,

1999, Hyseq filed an objection to this ex parte request. The Court will address this matter at the hearing on the disqualification of counsel issue currently scheduled for April 16, 1999 at 10:00 a.m. (Date Entered: 3/22/99) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 03/22/99]

4/2/99 64 RESPONSE (by fax) "FILED UNDER SEAL" to objection [56-1] [3:98-cv-03192] (scu) [Entry date 04/06/99]

4/16/99 65 MINUTES: (C/R Rosita Flores) (Hearing Date: 4/16/99) that the motions for disqualification [17-1] [37-1] [45-1] and plaintiff's motion for an order lifting indefinite stay and clarifying order are submitted; Court to issue order. [3:98-cv-03192] (slh) [Entry date 04/23/99]

5/6/99 66 ORDER by Judge Fern M. Smith amending Magistrate Judge's Report and Recommendation on disqualification [51-1] and GRANTING Hyseq's motions [37-] [17-] and DENYING Affymetrix's motion [45-1]. (Date Entered: 5/11/99) (cc: all counsel) [3:98-cv-03192] (llm) [Entry date 05/11/99]

5/7/99 67 CASE MANAGEMENT ORDER by Judge Fern M. Smith: Claim Construction hearing will be held 10/21/99; Fact Discovery cutoff 11/30/99; Dispositive motions will be filed by 2/25/00 and heard on 10:00 3/31/00; Pre-trial Conference will be held 2:30 4/21/00; Jury Trial set for 8:30 5/8/00. Est. trial days: 16. This estimate may change as discovery proceeds. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 05/12/99]

5/11/99 68 LETTER dated 4/19/99 from Jon R. Stark to Judge Fern M. Smith enclosing photocopies of the first pages of Affymetrix's '305 and '992 patents. [3:98-cv-03192] (lcc) [Entry date 05/12/99]

5/28/99 69 NOTICE OF MOTION AND MOTION WITH OF POINTS AND AUTHORITIES before Judge Fern M. Smith by defendant Hyseq, Inc. for relief from the Case Management Schedule in the form of a 120-day extension of time with Notice set for 7/2/99 at 10:00 a.m. [3:98-cv-03192] (lcc) [Entry date 06/02/99]

5/28/99 70 DECLARATION by Gary A. Pulsinelli on behalf of defendant Hyseq, Inc. in support of motion for relief from the Case Management Schedule in the form of a 120-day extension of time [69-1] [3:98-cv-03192] (lcc) [Entry date 06/02/99]

5/28/99 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: motion for relief from the Case Management Schedule in the form of

a 120-day extension of time [69-1] [3:98-cv-03192] (lcc)
[Entry date 06/02/99]

- 6/3/99 71 RENOTICE of hearing by defendant Hyseq, Inc. regarding motion for relief from the Case Management Schedule in the form of a 120-day extension of time [69-1]; hearing set for 7/9/99 at 10:00 a.m. [3:98-cv-03192] (lcc)
[Entry date 06/03/99]
- 6/10/99 72 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES (by fax) before Mag. Judge Maria-Elena James by Plaintiff Affymetrix, Inc. for entry of a protective order containing a bar on prosecuting related patents with Notice set for 7/15/99 at 10:00 a.m. [3:98-cv-03192] (lcc)
[Entry date 06/11/99]
- 6/11/99 73 NOTICE by Plaintiff Affymetrix, Inc. of withdrawal of counsel (Townsend and Townsend and Crew LLP).
[3:98-cv-03192] (lcc) [Entry date 06/14/99]
- 6/11/99 74 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES (by fax) before Judge Fern M. Smith by Plaintiff Affymetrix, Inc. to bifurcate patent liability issues from damages issues and to stay discovery on damages issues with Notice set for 7/16/99 at 10:00 a.m. [3:98-cv-03192] (lcc) [Entry date 06/14/99]
- 6/11/99 -- RECEIVED (by fax) Proposed Order (Plaintiff Affymetrix, Inc.) re: motion to bifurcate patent liability issues from damages issues [74-1] and motion to stay discovery on damages issues [74-2] [3:98-cv-03192] (lcc)
[Entry date 06/14/99]
- 6/16/99 75 JOINT STATEMENT Plaintiff and Defendant regarding Satisfaction of the Meet and Confer Requirement and Statement of the Issue [3:98-cv-03192] (lcc)
[Entry date 06/17/99]
- 6/17/99 78 LETTER (by fax) dated 6/17/99 from Warren S. Heit to Mag. Judge Maria-Elena James that Defendant Hyseq will file its response by the due date of June 25, 1999, and not earlier as indicated in our previous letter of June 15, 1999.
[3:98-cv-03192] (lcc) [Entry date 06/24/99]
- 6/18/99 76 OPPOSITION (by fax) by Plaintiff Affymetrix, Inc. to motion for relief from the Case Management Schedule in the form of a 120-day extension of time [69-1] [3:98-cv-03192] (lcc)
[Entry date 06/23/99]

6/22/99 77 ORDER by Mag. Judge Maria-Elena James GRANTING plaintiff's motion for entry of a protective order containing a bar on prosecuting related patents [72-1]. Within five (5) days of entry of this order, Plaintiff's counsel shall submit to the Court a proposed protective order containing a provision that prevents those who review "attorneys' eyes only materials" from engaging in patent prosecution activities in related areas of technologies for a period of one year after the termination of this litigation. Because the Court rules on Plaintiff's motion based on the parties' meet and confer letter, further briefing is unnecessary and the hearing scheduled for July 15, 1999 is VACATED. (Date Entered: 6/23/99) (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 06/23/99]

6/24/99 79 OPPOSITION by defendant Hyseq, Inc. to motion for entry of a protective order containing a bar on prosecuting related patents [72-1] [3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/24/99 80 DECLARATION by Warren S. Heit on behalf of defendant Hyseq, Inc. in support of opposition [79-1] [3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/24/99 81 DECLARATION by J. Tobias Fizzell on behalf of defendant Hyseq, Inc. in support of opposition [79-1] [3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/24/99 82 CERTIFICATE OF SERVICE by defendant Hyseq, Inc. of opposition [79-1] and declarations [80-1], [81-1] [3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/25/99 83 REPLY by defendant Hyseq, Inc. to opposition to motion for relief from the Case Management Schedule in the form of a 120-day extension of time [69-1] [3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/25/99 84 DECLARATION by Warren S. Heit on behalf of defendant Hyseq, Inc. in support of motion reply [83-1] [3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/25/99 85 CERTIFICATE OF SERVICE by defendant Hyseq, Inc. of motion reply [83-1] and declaration [84-1] [3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/25/99 86 RESPONSE by defendant Hyseq, Inc. to motion to bifurcate patent liability issues from damages issues [74-1]

[3:98-cv-03192] (lcc) [Entry date 06/28/99]

6/29/99 -- RECEIVED (by fax) Proposed Protective Order (Plaintiff Affymetrix, Inc.) [3:98-cv-03192] (lcc) [Entry date 06/30/99]

6/30/99 87 ORDER by Judge Fern M. Smith: For good cause shown, defendant Hyseq's motion for relief from the Case Management Schedule in the form of a 120-day extension of time [69-1] is GRANTED. Affymetrix' motion to bifurcate patent liability issues from damages issues [74-1] is DENIED WITHOUT PREJUDICE as premature. Affymetrix's accompanying request for stay discovery on damages issues [74-2] is also DENIED WITHOUT PREJUDICE. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 07/06/99]

7/1/99 89 LETTER (by fax) dated 7/1/99 from Gary A. Pulsinelli to Mag. Judge Maria-Elena James requesting that the Court stay any action with respect to the proposed protective order until the parties can reach agreement on the proper scope of the patent prosecution bar provision and on the remaining provisions of the protective order. [3:98-cv-03192] (lcc) [Entry date 07/08/99]

7/2/99 88 REPLY (by fax) by Plaintiff Affymetrix, Inc. in support of motion to bifurcate patent liability issues from damages issues [74-1] and to stay discovery on damages issues [74-2]. [3:98-cv-03192] (lcc) [Entry date 07/06/99]

7/2/99 90 LETTER (by fax) dated 7/2/99 from Brian D. Ledahl to Mag. Judge Maria-Elena James regarding Hyseq's letter (dated 7/1/99) to the Court relating to the protective order. [3:98-cv-03192] (lcc) [Entry date 07/08/99]

7/6/99 91 CLERK'S NOTICE of impending reassignment to a United States District Judge [3:98-cv-03192] (cgd) [Entry date 07/12/99]

7/8/99 92 ORDER by Mag. Judge Maria-Elena James Directing Meet and Confer Regarding Protective Order: The Court finds no good cause for staying further action on the issues of the protective order, and instead DIRECTS counsel to meet and confer as soon as possible. If issues remain in dispute following the meet and conferral, Hyseq shall outline its position by letter to the Court no later than July 12, 1999, and Affymetrix SHALL respond by letter to the court no later than July 14, 1999. (cc: all counsel) [3:98-cv-03192] (lcc) [Entry date 07/12/99]

7/12/99 -- RECEIVED Stipulated and Proposed Protective Order
(defendant Hyseq, Inc.) [3:98-cv-03192] (lcc)
[Entry date 07/13/99]

7/12/99 93 DECLARATION by Gary A. Pulsinelli on behalf of defendant
Hyseq, Inc. in support of stipulated protective order
received [0-0] [3:98-cv-03192] (lcc) [Entry date 07/13/99]

7/12/99 94 OBJECTION by defendant Hyseq, Inc. to order [92-1]
[3:98-cv-03192] (lcc) [Entry date 07/14/99]

7/12/99 95 DECLARATION by J. Tobias Fizzell on behalf of defendant
Hyseq, Inc. in support of opposition [79-1]
[3:98-cv-03192] (lcc) [Entry date 07/14/99]

7/12/99 96 DECLARATION by Warren S. Heit on behalf of defendant Hyseq,
Inc. in support of objection [94-1] [3:98-cv-03192] (lcc)
[Entry date 07/14/99]

7/12/99 97 CERTIFICATE OF SERVICE by defendant Hyseq, Inc. of
objection [94-1] and declarations [95-1], [96-1]
[3:98-cv-03192] (lcc) [Entry date 07/14/99]

7/13/99 99 LETTER dated 7/12/99 from Warren S. Heit to Mag. Judge
Maria-Elena James in response to the Court's Order
Directing Meet and Confer Regarding Protective Order and
that the parties resolved many of the issues regarding the
provisions of the Proposed Protective Order, but several
disputes remain. [3:98-cv-03192] (lcc) [Entry date 07/16/99]

7/14/99 98 LETTER dated 7/12/99 from Warren S. Heit to Chief Judge
Marilyn H. Patel objecting to the Order [92-1] of
Magistrate Judge Maria-Elena James. [3:98-cv-03192] (lcc)
[Entry date 07/16/99]

7/15/99 100 LETTER (by fax) dated 7/14/99 from Affymetrix, Inc.'s
counsel (no signed signature) to Mag. Judge Maria-Elena
James responding to the letter submitted by Hyseq on July
12, 1999 pursuant to the Court's July 8, 1999 order.
[3:98-cv-03192] (lcc) [Entry date 07/16/99]

7/19/99 101 LETTER (by fax) dated 7/16/99 from Warren S. Heit to Mag.
Judge Maria-Elena James regarding the terms of the
Protective Order. [3:98-cv-03192] (lcc)
[Entry date 07/20/99]

8/9/99 103 ORDER by Chief Judge Marilyn H. Patel directing the Clerk of Court to file Hyseq's motion under the captioned case name and number pending reassignment. Hyseq's objection is denied pursuant to FRCP 72(a). Until the reassignment occurs, parties are required to file any motions or other papers in accordance with the case number and judge to whom the case is assigned. (Date Entered: 8/18/99) (cc: all counsel) [3:98-cv-03192] (llm) [Entry date 08/18/99]

8/12/99 102 MINUTES: Magistrate Judge Maria-Elena James(C/R Tape 99-34) (Hearing Date: 8/12/99) Proceedings: Motions, order to be prepared by Court. [3:98-cv-03192] (db) [Entry date 08/18/99]

8/13/99 104 ORDER by Mag. Judge Maria-Elena James granting in part and denying in part motion for entry of a protective order containing a bar on prosecuting related patents [72-1] (Date Entered: 08/19/99) (cc: all counsel) [3:98-cv-03192] (mmr) [Entry date 08/19/99]

8/17/99 105 LETTER to Magistrate Judge James dated 08/17/99 from Brian Ledahl in 3:98-cv-03192 re: meet and confer and proposed protective order [3:98-cv-03192] (mmr) [Entry date 08/19/99]

8/17/99 106 LETTER to Magistrate Judge James dated 08/17/99 from Brian T. Clarke in 3:98-cv-03192 re: meet and confer and proposed protective order [3:98-cv-03192] (mmr) [Entry date 08/19/99]

8/19/99 107 REASSIGNMENT ORDER by Assignment Committee: Case reassigned to Judge William H. Alsup (Date Entered: 8/20/99) (cc: all counsel) [3:98-cv-03192] (slh) [Entry date 08/20/99]

8/19/99 108 PROTECTIVE ORDER by Mag. Judge Maria-Elena James : (cc: all counsel) [3:98-cv-03192] (mmr) [Entry date 08/20/99]

8/20/99 109 ORDER by Judge William H. Alsup for counsel to submit a joint status report within 15 days. (Date Entered: 8/23/99) (cc: all counsel) [3:98-cv-03192] (slh) [Entry date 08/23/99]

8/27/99 110 OBJECTIONS by defendant in 3:98-cv-03192 to the Magistrate's orders of 8/13/99 [104-1], and 8/19/99 [108-1] [3:98-cv-03192] (slh) [Entry date 08/30/99]

8/27/99 -- RECEIVED Proposed Order re: protective order (submitted by defendant in 3:98-cv-03192) [3:98-cv-03192] (slh) [Entry date 08/30/99]

8/27/99 -- RECEIVED Alternative Proposed Order re: Protective Order (submitted by defendant in 3:98-cv-03192) [3:98-cv-03192] (slh) [Entry date 08/30/99]

8/27/99 111 PROOF OF SERVICE by defendant in 3:98-cv-03192 of objection [110-1], order received [0-0], order received [0-0] [3:98-cv-03192] (slh) [Entry date 08/30/99]

9/1/99 -- RECEIVED Proposed Order (submitted by defendant in 3:98-cv-03192) correcting the order of 8/9/99 re: the timeliness of Hyseq's objection to the magistrate's order of 6/22/99. [3:98-cv-03192] (slh) [Entry date 09/02/99]

9/1/99 112 CERTIFICATE OF SERVICE by defendant in 3:98-cv-03192 of proposed order received [0-0] [3:98-cv-03192] (slh) [Entry date 09/02/99]

9/1/99 113 LETTER to Judge Patel dated 9/1/99 from Hyseq, Inc. in 3:98-cv-03192 submitted to have an error in this Court's 8/9/99 Order corrected. [3:98-cv-03192] (slh) [Entry date 09/03/99]

9/2/99 -- RECEIVED Stipulation and Proposed Order (submitted by parties) bifurcating patent liability issues from damages issues and staying discovery on damages issues. [3:98-cv-03192] (slh) [Entry date 09/03/99]

9/7/99 114 SUPPLEMENT by defendant in 3:98-cv-03192 to the joint status report [3:98-cv-03192] (slh) [Entry date 09/08/99]

9/8/99 115 JOINT STATUS REPORT filed by parties [3:98-cv-03192] (slh) [Entry date 09/09/99]

9/10/99 116 LETTER to Mag. Judge James dated 9/10/99 from Brian D. Ledahl on behalf of Affymetrix, Inc. in 3:98-cv-03192 requesting a telephonic discovery conference. [3:98-cv-03192] (slh) [Entry date 09/15/99]

9/13/99 117 ORDER by Mag. Judge Maria-Elena James re discovery dispute outlined in 9/10/99 letter [116-1]; the Court directs counsel to further meet and confer on dispute relating to Affymetrix' motion to compel by 10/4/99; if issues remain

in dispute, counsel shall submit a further meet and confer letter outlining their respective positions, no later than 10/8/99. (Date Entered: 9/15/99) (cc: all counsel) [3:98-cv-03192] (slh) [Entry date 09/15/99]

- 9/17/99 118 CLERK'S NOTICE: Case Management Conference set for 11:00 10/6/99 [3:98-cv-03192] (lmh) [Entry date 09/24/99]
- 9/21/99 119 ORDER by Judge William H. Alsup: A technology tutorial shall be held for the Court 1/26/00 from 2:00pm to 6:00pm; A claim construction hearing shall be held from 2:00pm to 6:00pm on 2/16/00, 4:00pm to 6:00pm on 2/17/00 and 2:00pm to 6:00pm on 2/18/00. Parties are to submit written statements on whether: (1) the claim construction hearings should be consolidated; and (2) whether the parties to Affymetrix Inc. -v- Hyseq Inc., C98-3192 should participate in the technology tutorial scheduled in Affymetrix Inc. -v- Synteni Inc., C98-4507. Statements shall be filed no later than fifteen days from the date of this order. (Date Entered: 9/24/99) (cc: all counsel) [3:98-cv-03192, 3:98-cv-04507] (lmh) [Entry date 09/24/99]
- 9/21/99 120 ORDER by Judge William H. Alsup acknowledging Hyseq's Objection [94-1] as timely filed. The Court will consider Hyseq's Objection to Magistrate James' order. (Date Entered: 9/24/99) (cc: all counsel) [3:98-cv-03192] (lmh) [Entry date 09/24/99]
- 9/23/99 121 CLERK'S NOTICE: Case Management Conference continued to 8:00 10/7/99 [3:98-cv-03192] (slh) [Entry date 09/27/99]
- 9/28/99 122 ORDER by Judge William H. Alsup to submit promptly any information re any grounds for recusal (Date Entered: 10/4/99) (cc: all counsel) [3:98-cv-03192] (rs) [Entry date 10/04/99]
- 9/30/99 123 ORDER by Judge William H. Alsup affirming Magistrate Judge's orders regarding protective order (Date Entered: 10/4/99) (cc: all counsel) [3:98-cv-03192] (slh) [Entry date 10/04/99]
- 10/5/99 124 ORDER by Judge William H. Alsup VACATING hearing on defendant's objections to Mag. Judge James' orders of 6/22/99, 8/13/99, and 8/19/99; Case Management Conference reset for 10:00 10/7/99 (Date Entered: 10/7/99) (cc: all counsel) [3:98-cv-03192] (slh) [Entry date 10/07/99]
- 10/6/99 125 STATEMENT by Plaintiff re: consolidated claim construction proceedings. [3:98-cv-03192, 3:98-cv-04507] (slh)

[Entry date 10/07/99]

- 10/12/99 126 LETTER to Mag. Judge James dated 10/8/99 from Brian D. Ledahl requesting that Affymetrix' motion to compel be filed under seal. [3:98-cv-03192] (slh)
[Entry date 10/14/99]
- 10/12/99 127 REQUEST by defendant in 3:98-cv-03192 for extension of time to submit statement re: consolidated claim construction proceedings [3:98-cv-03192] (slh) [Entry date 10/14/99]
- 10/12/99 128 MINUTES: (C/R Rosita Flores) (Hearing Date: 10/12/99) Case management conference held; Tutorial hearing will be held 2:00 1/26/00; Claim construction hearing set for 2:00 2/16/00; Jury trial will be held 8:00 10/16/00; granting defense counsel Marcia Sundeens' oral motion to be admitted pro hac vice. [3:98-cv-03192] (slh) [Entry date 10/14/99]
- 10/12/99 129 ORDER by Judge William H. Alsup re: discovery guidelines (Date Entered: 10/14/99) (cc: all counsel) [3:98-cv-03192] (slh) [Entry date 10/14/99]
- 10/14/99 130 ORDER DIRECTING FURTHER MEET & CONFERRAL RE: AFFYMETRIX' MOTION TO COMPEL by Mag. Judge Maria-Elena James: the court directs counsel to further meet and confer no later than 10/22/99; if issues remain in dispute following the meet and conferral counsel shall submit a further meet and confer letter outlining their respective positions no later than 10/25/99 (Date Entered: 10/19/99) (cc: all counsel) [3:98-cv-03192] (bug) [Entry date 10/19/99]
- 10/15/99 131 JOINT REPORT re: production of inventor notebooks. [3:98-cv-03192] (slh) [Entry date 10/19/99]
- 10/15/99 132 CASE MANAGEMENT ORDER by Judge William H. Alsup: Tutorial conference set for 2:00 1/26/00; claim construction hearing will be held 4:00 2/16/00; Discovery cutoff 4/28/00; All dispositive motions will be filed by 7/14/00; Pre-trial conference will be 2:30 9/25/00; Jury Trial set for 8:00 10/16/00; Est.trial days: to be set at pretrial conf. (cc: all counsel) [3:98-cv-03192] (slh) [Entry date 10/19/99]
- 10/20/99 133 STATEMENT by defendant in 3:98-cv-03192 in response to order to submit promptly any information re any grounds for recusal [122-1] [3:98-cv-03192] (slh)
[Entry date 10/21/99]

10/20/99 134 MINUTES: (C/R Jim Yeomans) (Hearing Date: 10/20/99)
Telephone conference held; plaintiff's counsel Ms. Howard
shall supply further information on the nature of
representation to all parties and the court within 1 week;
parties shall file briefs re: positions under 455 by
11/9/99. [3:98-cv-03192, 3:98-cv-04507] (slh)
[Entry date 10/21/99]

10/21/99 135 ORDER by Judge William H. Alsup re: joint report re
productions of inventor notebooks [131-1]; Affymetrix
shall, within 30 days, determine whether documents relating
to the research and development by Drs. Lipshutz and Read
were found, and if not already produced, shall produce such
documents. (Date Entered: 10/25/99) (cc: all counsel)
[3:98-cv-03192] (slh) [Entry date 10/25/99]

10/26/99 136 LETTER to Judge Alsup dated 10/25/99 from Brian D. Ledahl
submitting a joint letter pursuant to the Court's 10/14/99
Order. [3:98-cv-03192] (slh) [Entry date 10/27/99]

10/27/99 137 NOTICE by defendant in 3:98-cv-03192 to revise counsel of
record. [3:98-cv-03192] (slh) [Entry date 10/29/99]

10/27/99 138 CERTIFICATE OF SERVICE by defendant in 3:98-cv-03192 of
notice [137-1] [3:98-cv-03192] (slh) [Entry date 10/29/99]

10/27/99 139 MOTION before Judge William H. Alsup by defendant in
3:98-cv-03192 for permission to appear pro hac vice
[3:98-cv-03192] (slh) [Entry date 10/29/99]

10/27/99 140 DECLARATION by Anthony Nimmo on behalf of defendant in
3:98-cv-03192 in support of motion for permission to appear
pro hac vice [139-1] [3:98-cv-03192] (slh)
[Entry date 10/29/99]

10/27/99 141 DECLARATION by Kevin M. Flowers on behalf of defendant in
3:98-cv-03192 in support of motion for permission to appear
pro hac vice [139-1] [3:98-cv-03192] (slh)
[Entry date 10/29/99]

10/27/99 142 DECLARATION by William K. Merkel on behalf of defendant in
3:98-cv-03192 in support of motion for permission to appear
pro hac vice [139-1] [3:98-cv-03192] (slh)
[Entry date 10/29/99]

10/27/99 143 DECLARATION by Paul C. Craane on behalf of defendant in
3:98-cv-03192 in support of motion for permission to appear

pro hac vice [139-1] [3:98-cv-03192] (slh)
[Entry date 10/29/99]

- 10/27/99 144 DECLARATION by Audrey L. Bartnicki on behalf of defendant in 3:98-cv-03192 in support of motion for permission to appear pro hac vice [139-1] [3:98-cv-03192] (slh)
[Entry date 10/29/99]
- 10/27/99 145 PROOF OF SERVICE by defendant in 3:98-cv-03192 of motion for permission to appear pro hac vice [139-1], declaration [140-1], declaration [141-1], declaration [142-1], declaration [143-1], declaration [144-1] [3:98-cv-03192] (slh) [Entry date 10/29/99]
- 10/28/99 146 ORDER by Judge William H. Alsup GRANTING defendant's motion for attorneys to appear pro hac vice [139-1] (Date Entered: 10/29/99) (cc: all counsel) [3:98-cv-03192] (slh)
[Entry date 10/29/99]
- 10/29/99 147 STATEMENT IN RESPONSE by Plaintiff Affymetrix, Inc. to Court's 10/20/99 request for further information regarding Affymetrix' Morrison & Foerster contacts [3:98-cv-04507, 3:98-cv-03192] (slh) [Entry date 11/01/99]
- 10/29/99 148 DECLARATION by Elizabeth A. Howard on behalf of Plaintiff in support of statement in response [97-1] in 3:98-cv-04507, [147-1] in 3:98-cv-03192 [3:98-cv-04507, 3:98-cv-03192] (slh) [Entry date 11/01/99]
- 11/2/99 149 LETTER to Judge Alsup dated 11/2/99 from Alan Tenenbaum on behalf of defendant Hyseq Inc. to request a telephonic discovery conference pursuant to the Court's Discovery Procedures and Local Rule 37-1(c). [3:98-cv-03192] (slh)
[Entry date 11/03/99]
- 11/2/99 150 MINUTES: (C/R Leo Mankiewicz) (Hearing Date: 11/2/99) Telephone conference re: possible grounds for recusal held. [3:98-cv-04507, 3:98-cv-03192] (slh) [Entry date 11/10/99]
- 11/22/99 151 ORDER by Mag. Judge Maria-Elena James directing further meet and confer no later than 11/30/99. (Date Entered: 11/23/99) (cc: all counsel) [3:98-cv-03192] (slh)
[Entry date 11/23/99]
- 11/30/99 152 MINUTES: (C/R Jill Barham) (Hearing Date: 11/30/99); Judge Alsup is going to recuse [3:98-cv-03192] (bug)
[Entry date 12/06/99]

11/30/99 153 ORDER by Judge William H. Alsup: recusing himself from this action and request that the case be reassigned; all pending dates are hereby VACATED and are to be reset by the newly assigned Judge (Date Entered: 12/6/99) (cc: all counsel) [3:98-cv-03192] (bug) [Entry date 12/06/99]

11/30/99 154 LETTER dated 11/19/99 from Alan Tenenbaum in 3:98-cv-03192 [3:98-cv-03192] (bug) [Entry date 12/06/99]

12/1/99 155 NOTICE OF MOTION AND MOTION before Judge William H. Alsup by defendant Hyseq, Inc. in 3:98-cv-03192 for attorney Anand P Iyer and Kim A Jacklin to appear pro hac vice [3:98-cv-03192] (bug) [Entry date 12/07/99]

12/1/99 156 DECLARATION by Anand P Iyer on behalf of defendant Hyseq, Inc. in 3:98-cv-03192 in support of motion for attorney Anand P Iyer and Kim A Jacklin to appear pro hac vice [155-1] [3:98-cv-03192] (bug) [Entry date 12/07/99]

12/1/99 157 DECLARATION by Kim A Jacklin on behalf of defendant Hyseq, Inc. in 3:98-cv-03192 in support motion for attorney Anand P Iyer and Kim A Jacklin to appear pro hac vice [155-1] [3:98-cv-03192] (bug) [Entry date 12/07/99]

12/1/99 -- RECEIVED Proposed Order (defendant Hyseq, Inc. in 3:98-cv-03192) re: motion for attorney Anand P Iyer and Kim A Jacklin to appear pro hac vice [155-1] [3:98-cv-03192] (bug) [Entry date 12/07/99]

12/1/99 158 PROOF OF SERVICE by defendant Hyseq, Inc. in 3:98-cv-03192 of order received [0-0], declaration [157-1], declaration [156-1], motion for attorney Anand P Iyer and Kim A Jacklin to appear pro hac vice [155-1] [3:98-cv-03192] (bug) [Entry date 12/07/99]

12/6/99 159 LETTER dated 12/2/99 addressed to Magistrate Judge James from Paul C Crane in 3:98-cv-03192 counsel for Hyseq, Inc. in 3:98-cv-03192 re: discovery [3:98-cv-03192] (bug) [Entry date 12/11/99]

12/6/99 161 ORDER by Assignment Committee Case reassigned to Judge Jeremy Fogel; referred to Judge Jeremy Fogel the motion for attorney Anand P Iyer and Kim A Jacklin to appear pro hac vice [155-1] (Date Entered: 12/17/99) (cc: all counsel) [3:98-cv-03192] (bug) [Entry date 12/17/99]

12/13/99 160 ORDER by Mag. Judge Maria-Elena James directing parties to meet and confer in person by 1/12/00 and setting Discovery Dispute hearing for 10:00 a.m. on 1/20/00 (Date Entered: 12/14/99) (cc: all counsel) [3:98-cv-03192] (mmr) [Entry date 12/14/99]

12/15/99 162 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [5:99-cv-21163] (gm) [Entry date 12/21/99]

12/27/99 163 REQUEST by defendant Hyseq, Inc. for CMC [5:99-cv-21163] (gm) [Entry date 12/28/99]

12/28/99 -- TRANSMITTAL of documents: original case file doc 1-161, including sealed and misc sent to USDC San Jose [5:99-cv-21163] (bug) [Entry date 12/28/99]

12/28/99 164 JOINT PROPOSED WITNESS STATEMENT of facts by Plaintiff Affymetrix, Inc. [5:99-cv-21163] (gm) [Entry date 12/29/99]

1/4/00 165 ORDER by Judge Jeremy Fogel Case Management Conference set for 10:30 2/28/00 ; (Date Entered: 1/7/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 01/07/00]

1/5/00 166 ORDER by Judge Jeremy Fogel granting motion for attorney Anand P Iyer and Kim A Jacklin to appear pro hac vice [155-1] (Date Entered: 1/7/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 01/07/00]

1/6/00 167 CLERK'S NOTICE CMC set for 2/28/00 at 10:30 [5:99-cv-21163] (gm) [Entry date 01/07/00]

1/18/00 168 LETTER dated 1/14/00 from Affymetrix, Inc. in 5:99-cv-21163 [5:99-cv-21163] (gm) [Entry date 01/25/00]

1/18/00 169 LETTER dated 1/18/00 re telephonic appearance from Hyseq, Inc. in 5:99-cv-21163 [5:99-cv-21163] (gm) [Entry date 01/25/00]

1/18/00 170 ORDER granting defendant Hyseq's motion to appear telephonically at the January 20, 2000 hearing by Mag. Judge Maria-Elena James (Date Entered: 1/25/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 01/25/00]

1/20/00 171 MINUTES: (Discovery) (Hearing Date: 1/20/00)
[5:99-cv-21163] (gm) [Entry date 01/28/00]

1/21/00 172 ORDER by Mag. Judge Maria-Elena James (Date Entered:
1/28/00) (cc: all counsel) [5:99-cv-21163] (gm)
[Entry date 01/28/00]

2/17/00 173 CLERK'S NOTICE Case Management Conference set for 10:30
4/17/00 ; [5:99-cv-21163] (gm) [Entry date 02/23/00]

2/17/00 174 ORDER re: 2/10/00 Meet and Conferral Letter by Mag. Judge
Maria-Elena James (Date Entered: 2/25/00) (cc: all
counsel) [5:99-cv-21163] (gm) [Entry date 02/25/00]

3/1/00 175 MOTION before Judge Jeremy Fogel by defendant Hyseq,
Inc. to withdraw attorney [5:99-cv-21163] (gm)
[Entry date 03/02/00]

3/1/00 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re:
motion to withdraw attorney [175-1] [5:99-cv-21163] (gm)
[Entry date 03/02/00]

3/1/00 176 PROOF OF SERVICE by defendant Hyseq, Inc. of order received
[0-0], motion to withdraw attorney [175-1] [5:99-cv-21163]
(gm) [Entry date 03/02/00]

3/6/00 177 ORDER by Judge Jeremy Fogel granting motion to withdraw
attorney [175-1] attorney Brian T. Clarke for Hyseq, Inc.,
attorney Marcia H. Sundeen for Hyseq, Inc., attorney Samuel
B. Abrams for Hyseq, Inc. (Date Entered: 3/13/00) (cc:
all counsel) [5:99-cv-21163] (gm) [Entry date 03/13/00]

3/7/00 178 ORDER by Judge Jeremy Fogel granting motion to withdraw
attorney [175-1] attorney Brian T. Clarke for Hyseq, Inc.,
attorney Marcia H. Sundeen for Hyseq, Inc., attorney Samuel
B. Abrams for Hyseq, Inc. (Date Entered: 3/13/00) (cc:
all counsel) [5:99-cv-21163] (gm) [Entry date 03/13/00]

3/15/00 -- RECEIVED Proposed Order approving substitution of attorneys
(defendant Hyseq, Inc.) [5:99-cv-21163] (gm)
[Entry date 03/21/00]

3/17/00 180 ORDER by Mag. Judge Maria-Elena James leave to submit a
joint letter on 3/24/00 (Date Entered: 3/27/00) (cc: all

counsel) [5:99-cv-21163] (gm) [Entry date 03/27/00]

3/20/00 179 ORDER by Judge Jeremy Fogel granting motion to withdraw attorney [175-1] attorney Brian T. Clarke for Hyseq, Inc., attorney Marcia H. Sundeen for Hyseq, Inc., attorney Samuel B. Abrams for Hyseq, Inc. (Date Entered: 3/22/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 03/22/00]

3/23/00 181 NOTICE by defendant Hyseq, Inc. [179-1] order [5:99-cv-21163] (gm) [Entry date 03/27/00]

3/27/00 182 ORDER by Mag. Judge Maria-Elena James granting leave to submit joint letter on 3/30/00 (Date Entered: 3/31/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 03/31/00]

3/31/00 183 LETTER dated 3/30/00 from Paul C. Craane from Hyseq, Inc. [5:99-cv-21163] (rg) [Entry date 04/11/00]

4/5/00 184 ORDER by Mag. Judge Maria-Elena James re [183-1] (Date Entered: 4/11/00) (cc: all counsel) [5:99-cv-21163] (rg) [Entry date 04/11/00]

4/10/00 185 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [5:99-cv-21163] (gm) [Entry date 04/12/00]

4/12/00 186 CLERK'S NOTICE Case Management Conference set for 9:00 7/10/00 ; [5:99-cv-21163] (gm) [Entry date 04/14/00]

4/14/00 187 SUBMISSION by Plaintiff Affymetrix, Inc. re: [184-1] order [5:99-cv-21163] (gm) [Entry date 04/18/00]

4/28/00 188 Submission re deposition exhibit production by Plaintiff Affymetrix, Inc. [5:99-cv-21163] (cm) [Entry date 05/05/00]

5/26/00 189 REPORTER'S TRANSCRIPT; Date of proceedings: 10/12/99 (C/R: Rosita Flores) [5:99-cv-21163] (gm) [Entry date 06/07/00]

6/29/00 190 CLERK'S NOTICE CMC set for 7/10/00 at 9:00 [5:99-cv-21163] (gm) [Entry date 06/30/00]

7/7/00 191 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [5:99-cv-21163] (gm) [Entry date 07/10/00]

7/10/00 192 MINUTES: (C/R Peter Torreano) INITIAL CASE MANAGEMENT
CONFERENCE HELD. [5:99-cv-21163] (gm) [Entry date 07/11/00]

8/16/00 193 LETTER dated 8/16/99 from Jeffrey L. Arrington from
Affymetrix, Inc. (FILED UNDER SEAL) [5:99-cv-21163] (gm)
[Entry date 08/22/00]

8/31/00 194 LETTER dated 8/31/00 from Brian D. Ledahl from Hyseq, Inc.
[5:99-cv-21163] (gm) [Entry date 09/05/00]

9/8/00 195 ORDER denying plaintiff leave to file motion for sanctions
by Mag. Judge Edward A. Infante (Date Entered: 9/12/00)
(cc: all counsel) [5:99-cv-21163] (gm)
[Entry date 09/12/00]

10/11/00 196 ORDER re request for conference by Judge Jeremy Fogel (
Date Entered: 10/18/00) (cc: all counsel) [5:99-cv-21163]
(gm) [Entry date 10/18/00]

10/25/00 197 EX-PARTE APPLICATION before Judge Jeremy Fogel by
Plaintiff Affymetrix, Inc. to file an opening brief on
cloam cosntruction to exceed page limitation
[5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 -- RECEIVED Opening Brief in support of its proposed claim
construction submitted by Plaintiff Affymetrix, Inc. (FILED
UNDER SEAL) [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 198 DECLARATION by Jeffrey L. Arrington on behalf of Plaintiff
Affymetrix, Inc. in support of Opening Brief document
received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]
[Edit date 10/27/00]

10/25/00 199 APPENDIX VOLUME 1 filed by Plaintiff Affymetrix, Inc. in
support of Opening Brief document received [0-0]
[5:99-cv-21163] (gm) [Entry date 10/27/00]
[Edit date 10/27/00]

10/25/00 200 APPENDIX VOLUME 2 filed by Plaintiff Affymetrix, Inc. in
support of Opening Brief document received [0-0]
[5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 201 APPENDIX VOLUME 3 filed by Plaintiff Affymetrix, Inc. in
support of Opening Brief document received [0-0]
[5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 202 APPENDIX VOLUME 4 filed by Plaintiff Affymetrix, Inc. in support of Opening Brief document received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 203 APPENDIX VOLUME 5 filed by Plaintiff Affymetrix, Inc. in support of Opening Brief document received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 204 APPENDIX VOLUME 6 filed by Plaintiff Affymetrix, Inc. in support of Opening Brief document received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 205 APPENDIX VOLUME 7 filed by Plaintiff Affymetrix, Inc. in support of Opening Brief document received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 206 APPENDIX VOLUME 8 filed by Plaintiff Affymetrix, Inc. in support of Opening Brief document received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 207 APPENDIX VOLUME 9 filed by Plaintiff Affymetrix, Inc. in support of Opening Brief document received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 208 APPENDIX VOLUME 10 filed by Plaintiff Affymetrix, Inc. in support of document received [0-0] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/25/00 -- RECEIVED Proposed Order (Plaintiff Affymetrix, Inc.) re: motion to file an opening brief on cloam cosntruction to exceed page limitation [197-1] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/26/00 209 EX-PARTE APPLICATION before Judge Jeremy Fogel by Plaintiff Affymetrix, Inc. for order prohibiting defendants from asserting claim construction positions not in the parties' Joint claim construction statements; declaration of Marc A. Fenster [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/26/00 -- RECEIVED Proposed Order (Plaintiff Affymetrix, Inc.) re: motion for order prohibiting defendants from asserting claim construction positions not in the parties' Joint claim construction statements; declaration of Marc A. Fenster [209-1] [5:99-cv-21163] (gm) [Entry date 10/27/00]

10/27/00 210 ORDER by Judge Jeremy Fogel appointing Special Master for discovery (Date Entered: 10/30/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 10/30/00]

10/27/00 211 OPPOSITION by defendant Hyseq, Inc. to motion for order prohibiting defendants from asserting claim construction positions not in the parties' Joint claim construction statements; declaration of Marc A. Fenster [209-1] [5:99-cv-21163] (gm) [Entry date 11/01/00]

10/27/00 212 DECLARATION by Teresa M. Corbin on behalf of defendant Hyseq, Inc. in support of opposition [211-1] [5:99-cv-21163] (gm) [Entry date 11/01/00]

10/31/00 213 REPLY BRIEF by Plaintiff Affymetrix, Inc. in support of motion for order prohibiting defendants from asserting claim construction positions not in the parties' Joint claim construction statements; declaration of Marc A. Fenster [209-1] [5:99-cv-21163] (gm) [Entry date 11/06/00]

11/7/00 214 ORDER by Judge Jeremy Fogel granting motion to file an opening brief on cloam cosntruction to exceed page limitation [197-1] (Date Entered: 11/8/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 11/08/00]

11/8/00 215 EX-PARTE APPLICATION before Judge Jeremy Fogel for leave to file opening brief in support of claim construction exceeding 25 pages [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 -- RECEIVED Proposed Order () re: motion for leave to file opening brief in support of claim construction exceeding 25 pages [215-1] [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 216 PROOF OF SERVICE of order received [0-0], motion for leave to file opening brief in support of claim construction exceeding 25 pages [215-1] [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 217 INCYTE'S AND SYNTENI'S OPENING BRIEF in support of its Claim Cosntruction Statement [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 218 DECLARATION by Dr. Larry J. Kricka in support of Incyte's Proposed Claim Construction [5:99-cv-21163] (gm)

[Entry date 11/09/00]

11/8/00 219 DECLARATION by Don F. Livornese and Exhibits 1-31 in support of Incyte's Proposed Claim Construction [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 220 EXHIBITS 32-52 to the declaration [219-1] [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 221 EXHIBIT 53 to the declaration [219-1] [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 222 EXHIBIT 54 to the declaration [219-1] [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 223 EXHIBIT 55 to the declaration [219-1] (FILED UNDER SEAL) [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 224 EXHIBITS 56-61 to the declaration [219-1] [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 225 PROOF OF SERVICE of exhibits [224-1], exhibits [223-1], exhibits [222-1], exhibits [221-1], exhibits [220-1], declaration [219-1], declaration [218-1], brief [217-1] [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/8/00 226 DECLARATION by Paul Craane in support of Hyseq's responsive brief on claim construction on behalf of defendant Hyseq, Inc. [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/9/00 227 RESPONSIVE BRIEF ON CLAIM CONSTRUCTION by defendant Hyseq, Inc. [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/9/00 228 PROOF OF SERVICE of Amended table of authorities to defendants' opening brief [5:99-cv-21163] (gm) [Entry date 11/09/00]

11/15/00 229 ORDER by Judge Jeremy Fogel granting motion for leave to file opening brief in support of claim construction exceeding 25 pages [215-1] (Date Entered: 11/16/00) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 11/16/00]

11/15/00 230 REPLY by Plaintiff Affymetrix, Inc. re document received [0-0] (FILED UNDER SEAL) [5:99-cv-21163] (gm)

[Entry date 11/16/00]

11/16/00 231 DECLARATION by Peter G. Schultz on behalf of Plaintiff Affymetrix, Inc. re reply [230-1] [5:99-cv-21163] (gm)
[Entry date 11/17/00]

11/21/00 232 INCYTE'S AND SYNTENI'S AMENDED OPENING BRIEF inb support of its Claim Cosntruction Statement [5:99-cv-21163] (gm)
[Entry date 11/27/00]

11/21/00 233 NOTICE OF ERRATA to [232-1] [5:99-cv-21163] (gm)
[Entry date 11/27/00]

11/21/00 235 PROOF OF SERVICE of errata [233-1], brief [232-1] [5:99-cv-21163] (gm) [Entry date 11/30/00]

11/27/00 234 SUPPLEMENT by Plaintiff Affymetrix, Inc. re documents [208-1], re documents [207-1], re documents [206-1], re documents [205-1], re documents [204-1], re documents [203-1], re documents [202-1], re documents [201-1], re documents [200-1], re documents [199-1] [5:99-cv-21163] (gm)
[Entry date 11/28/00]

11/29/00 236 SUPPLEMENTAL DECLARATION by Don F. Livornese and exhibits 62-95 in support of brief [232-1] [5:99-cv-21163] (gm)
[Entry date 11/30/00]

11/29/00 237 PROOF OF SERVICE of declaration [236-1] [5:99-cv-21163] (gm)
[Entry date 11/30/00]

12/6/00 238 NOTICE OF LODGING, Affymetrix' Tutorial Video, Affymetrix' Graphics and a copy of the Decision of the board of Patent Appeals by Plaintiff Affymetrix, Inc. [5:99-cv-21163] (sus)
[Entry date 12/13/00]

12/7/00 239 NOTICE of lodging Graphics by Incyte [5:99-cv-21163] (gm)
[Entry date 12/19/00]

1/3/01 240 REPORTER'S TRANSCRIPT; Date of proceedings: 11/29/00 (C/R: Peter Torreano) [5:99-cv-21163] (gm)
[Entry date 01/04/01]

1/3/01 241 REPORTER'S TRANSCRIPT; Date of proceedings: 11/30/01 (C/R: Peter Torreano) [5:99-cv-21163] (gm)
[Entry date 01/04/01]

1/22/01 242 ORDER construing claims of U.S. Patents nos. 5,445,934, 5,744,305, 5,800,992, and 5,795,716 by Judge Jeremy Fogel (Date Entered: 1/23/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 01/23/01]

2/12/01 243 BRIEF FILED by Plaintiff Affymetrix, Inc. regarding order [242-1] [5:99-cv-21163] (gm) [Entry date 02/14/01]

2/12/01 244 DECLARATION by Douglas H. Carsten on behalf of Plaintiff Affymetrix, Inc. in support of brief [243-1] [5:99-cv-21163] (gm) [Entry date 02/14/01]

2/12/01 245 DECLARATION by Karen Vusden Ph.D. on behalf of Plaintiff Affymetrix, Inc. in support of brief [243-1] [5:99-cv-21163] (gm) [Entry date 02/14/01]

2/26/01 246 INCYTE'S BRIEF FILED pursuant to the Court's Claims construction order re: the term "substantially complementary" [5:99-cv-21163] (gm) [Entry date 02/28/01]

2/26/01 247 DECLARATION by Dr. Charles Cantor in support of brief [246-1] [5:99-cv-21163] (gm) [Entry date 02/28/01]

2/26/01 248 DECLARATION by Adam K. Whiting in support of brief [246-1] [5:99-cv-21163] (gm) [Entry date 02/28/01]

2/26/01 249 PROOF OF SERVICE of declaration [248-1], declaration [247-1], brief [246-1] [5:99-cv-21163] (gm) [Entry date 02/28/01]

2/26/01 250 OPPOSITION by defendant Hyseq, Inc. to brief [246-1] [5:99-cv-21163] (gm) [Entry date 02/28/01]

2/26/01 251 DECLARATION by John Quackenbush, Ph.D. on behalf of defendant Hyseq, Inc. in support of opposition [250-1] [5:99-cv-21163] (gm) [Entry date 02/28/01]

2/26/01 252 DECLARATION by William K. Merkel on behalf of defendant Hyseq, Inc. in support of opposition [250-1] [5:99-cv-21163] (gm) [Entry date 02/28/01]

2/26/01 253 PROOF OF SERVICE by defendant Hyseq, Inc. of declaration [252-1], declaration [251-1], opposition [250-1]

[5:99-cv-21163] (gm) [Entry date 02/28/01]

3/1/01 254 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel for leave to file motion for partial reconsideration of order construing claims of U.S. patents nos. 5,445,934, 5,744,305, 5,800,992 and 5,795,716 [5:99-cv-21163] (gm) [Entry date 03/05/01]

3/1/01 -- RECEIVED Proposed Order () re: motion for leave to file motion for partial reconsideration of order construing claims of U.S. patents nos. 5,445,934, 5,744,305, 5,800,992 and 5,795,716 [254-1] [5:99-cv-21163] (gm) [Entry date 03/05/01]

3/1/01 255 PROOF OF SERVICE of order received [0-0], motion for leave to file motion for partial reconsideration of order construing claims of U.S. patents nos. 5,445,934, 5,744,305, 5,800,992 and 5,795,716 [254-1] [5:99-cv-21163] (gm) [Entry date 03/05/01]

3/2/01 256 OPPOSITION by defendant Hyseq, Inc. to motion for leave to file motion for partial reconsideration of order construing claims of U.S. patents nos. 5,445,934, 5,744,305, 5,800,992 and 5,795,716 [254-1] [5:99-cv-21163] (gm) [Entry date 03/06/01]

3/5/01 258 MOTION before Judge Jeremy Fogel for releasing Brian T. Clarke from the constraints of the protective order [5:99-cv-21163] (gm) [Entry date 03/12/01]

3/5/01 259 DECLARATION by Brian T. Clarke in support of motion for releasing Brian T. Clarke from the constraints of the protective order [258-1] [5:99-cv-21163] (gm) [Entry date 03/12/01]

3/5/01 -- RECEIVED Proposed Order () re: motion for releasing Brian T. Clarke from the constraints of the protective order [258-1] [5:99-cv-21163] (gm) [Entry date 03/12/01]

3/8/01 257 ORDER by Mag. Judge Edward A. Infante referring case for discovery to Magistrate Judge Richard Seeborg (Date Entered: 3/9/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 03/09/01]

3/8/01 260 ORDER setting briefing for 3/21/01 by Mag. Judge Maria-Elena James re [258-1] (Date Entered: 3/14/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 03/14/01]

3/12/01 261 MOTION before Judge Jeremy Fogel by defendant Hyseq, Inc. to strike brief [246-1] [5:99-cv-21163] (gm) [Entry date 03/14/01]

3/20/01 262 NOTICE OF MOTION AND MOTION before Judge Jeremy Fogel to strike Affymetrix's Reply Brief or, in the alternative Incyte's surreply brief re: construction fo "substantially complementary" [5:99-cv-21163] (gm) [Entry date 03/21/01]

3/20/01 263 PROOF OF SERVICE of motion to strike Affymetrix's Reply Brief or, in the alternative Incyte's surreply brief re: construction fo "substantially complementary" [262-1] [5:99-cv-21163] (gm) [Entry date 03/21/01]

3/20/01 264 ORDER by Judge Jeremy Fogel vacating [257-1] Scheduling order referring case for discovery to Magistrate Judge Richard Seeborg, vacating [257-2] order (Date Entered: 3/26/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 03/26/01]

3/26/01 265 ORDER by Judge Jeremy Fogel denying motion for leave to file motion for partial reconsideration of order construing claims of U.S. patents nos. 5,445,934, 5,744,305, 5,800,992 and 5,795,716 [254-1] (Date Entered: 3/29/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 03/29/01]

3/30/01 266 REPLY to Affymetrix's Response to Petition of Brian T. Clarke [5:99-cv-21163] (gm) [Entry date 04/02/01]

4/9/01 267 MOTION before Judge Jeremy Fogel by defendant Hyseq, Inc. to stay pending litigation re: Affymetrix' '716 patent with Notice set for 5/29/01 at 9:00 [5:99-cv-21163] (gm) [Entry date 04/11/01]

4/9/01 268 DECLARATION by Kevin M. Flowers, Ph.D. on behalf of defendant Hyseq, Inc. in support of motion to stay pending litigation re: Affymetrix' '716 patent [267-1] [5:99-cv-21163] (gm) [Entry date 04/11/01]

4/9/01 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: motion to stay pending litigation re: Affymetrix' '716 patent [267-1] [5:99-cv-21163] (gm) [Entry date 04/11/01]

4/9/01 269 PROOF OF SERVICE by defendant Hyseq, Inc. of order received [0-0], declaration [268-1], motion to stay pending litigation re: Affymetrix' '716 patent [267-1]

[5:99-cv-21163] (gm) [Entry date 04/11/01]

4/9/01 -- RECEIVED Exhibits G&K of the Declaration of Kevin M. Flowers, Ph.D. submitted by defendant Hyseq, Inc. in support of motion to stay: [267-1] (FILED UNDER SEAL) [5:99-cv-21163] (gm) [Entry date 05/04/01]

4/10/01 -- RECEIVED Proposed Order to file portion of the declaration of Kevin M. Flowers, Ph.D. under seal (defendant Hyseq, Inc.) [5:99-cv-21163] (gm) [Entry date 04/11/01]

4/17/01 270 ORDER by Judge Jeremy Fogel granting motion for leave to file motion for partial reconsideration of order construing claims of U.S. patents nos. 5,445,934, 5,744,305, 5,800,992 and 5,795,716 [254-1] (Date Entered: 4/24/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 04/24/01]

5/3/01 271 REPORT AND RECOMMENDATION of Special Maser (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/4/01 272 ORDER by Special Master denying motion for releasing Brian T. Clarke from the constraints of the protective order [258-1] (Date Entered: 5/9/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/8/01 273 INCYTE'S OPPOSITION to Affymetrix' motion for reconsideration of two definitons in 1/22/01 claims cosntruction order [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/8/01 274 DECLARATION by Jayna R. Wjott in support of opposition [273-1] [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/8/01 275 DECLARATION by Dr. Charles Cantor in support of opposition [273-1] [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/8/01 276 PROOF OF SERVICE of declaration [275-1], declaration [274-1], opposition [273-1] [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/8/01 277 OPPOSITION by Plaintiff Affymetrix, Inc. to motion to stay pending litigation re: Affymetrix' '716 patent [267-1] [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/8/01 278 RESPONSE by defendant Hyseq, Inc. to Affymetrix' motion

for reconsideration of two definitions in 1/22/01 claims construction order [5:99-cv-21163] (gm)
[Entry date 05/09/01]

5/8/01 279 ORDER by Judge Jeremy Fogel finding the term "substantially compementary" indefinite and ocnstruing remaining terms (Date Entered: 5/9/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 05/09/01]

5/10/01 280 PROOF OF SERVICE by defendant Hyseq, Inc. of response [278-1] [5:99-cv-21163] (gm) [Entry date 05/15/01]

5/10/01 281 MOTION before Judge Jeremy Fogel by defendant Hyseq, Inc. for attorney Edward M. O'Toole and Thomas J. Ramsdell to appear pro hac vice . Fee status paid. [5:99-cv-21163] (gm) [Entry date 05/15/01]

5/10/01 282 DECLARATION by Edward M. O'Toole on behalf of defendant Hyseq, Inc. in support of motion for attorney Edward M. O'Toole and Thomas J. Ramsdell to appear pro hac vice . Fee status paid. [281-1] [5:99-cv-21163] (gm) [Entry date 05/15/01]

5/10/01 283 DECLARATION by Thomas J. Ramsdell on behalf of defendant Hyseq, Inc. in support of motion for attorney Edward M. O'Toole and Thomas J. Ramsdell to appear pro hac vice . Fee status paid. [281-1] [5:99-cv-21163] (gm) [Entry date 05/15/01]

5/10/01 -- RECEIVED Proposed Order (defendant Hyseq, Inc.) re: motion for attorney Edward M. O'Toole and Thomas J. Ramsdell to appear pro hac vice . Fee status paid. [281-1] [5:99-cv-21163] (gm) [Entry date 05/15/01]

5/10/01 284 PROOF OF SERVICE by defendant Hyseq, Inc. of order received [0-0], declaration [283-1], declaration [282-1], motion for attorney Edward M. O'Toole and Thomas J. Ramsdell to appear pro hac vice . Fee status paid. [281-1] [5:99-cv-21163] (gm) [Entry date 05/15/01]

5/14/01 285 ORDER by Judge Jeremy Fogel granting motion for attorney Edward M. O'Toole and Thomas J. Ramsdell to appear pro hac vice . Fee status paid. [281-1] (Date Entered: 5/24/01) (cc: all counsel) [5:99-cv-21163] (rg) [Entry date 05/24/01]

5/15/01 286 REPLY by defendant Hyseq, Inc. in support of motion to stay

pending litigation re: Affymetrix' '716 patent [267-1]
[5:99-cv-21163] (gm) [Entry date 06/01/01]

5/15/01 287 PROOF OF SERVICE by defendant Hyseq, Inc. of reply [286-1]
[5:99-cv-21163] (gm) [Entry date 06/01/01]

5/30/01 288 ORDER by Judge Jeremy Fogel denying motion to stay
pending litigation re: Affymetrix' '716 patent [267-1] (
Date Entered: 6/4/01) (cc: all counsel) [5:99-cv-21163]
(gm) [Entry date 06/04/01]

5/31/01 289 MINUTES: (C/R Peter Torreano) (Hearing Date: 5/29/01) re
[267-1] [5:99-cv-21163] (gm) [Entry date 06/04/01]

6/7/01 290 REPORTER'S TRANSCRIPT; Date of proceedings: 5/29/01 (C/R:
Peter Torreano) [5:99-cv-21163] (gm) [Entry date 06/08/01]

6/14/01 291 EX-PARTE APPLICATION by Synteni, Inc. and Incyte Genomics,
Inc. before Judge Jeremy Fogel for leave to submit
supplementary material in opposition to motion for
reconsideration [5:99-cv-21163] (gm) [Entry date 06/22/01]

6/14/01 -- RECEIVED Proposed Order () re: motion for leave to submit
supplementary material in opposition to motion for
reconsideration [291-1] [5:99-cv-21163] (gm)
[Entry date 06/22/01]

6/14/01 292 PROOF OF SERVICE of order received [0-0], motion for leave
to submit supplementary material in opposition to motion
for reconsideration [291-1] [5:99-cv-21163] (gm)
[Entry date 06/22/01]

6/15/01 293 AMENDED PROOF OF SERVICE of order received [0-0], motion
for leave to submit supplementary material in opposition to
motion for reconsideration [291-1] [5:99-cv-21163] (gm)
[Entry date 06/22/01]

6/18/01 294 ORDER by Judge Jeremy Fogel re [262-1], re [261-1], re
[254-1] (Date Entered: 6/22/01) (cc: all counsel)
[5:99-cv-21163] (gm) [Entry date 06/22/01]

6/29/01 295 SUPPLEMENTAL REPORT AND RECOMMENDATION of Special Master
(cc: all counsel) [5:99-cv-21163] (gm)
[Entry date 07/05/01]

7/16/01 296 ORDER by Judge Jeremy Fogel denying motion for leave to submit supplementary material in opposition to motion for reconsideration [291-1] (Date Entered: 7/20/01) (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 07/20/01]

7/18/01 297 MINUTES: (C/R Peter Torreano) INITIAL CASE MANAGEMENT CONFERENCE HELD. Pre-trial conference will be held 9:30 1/28/02 ; Trial set for 9:30 7/8/02 ; [5:99-cv-21163] (gm) [Entry date 07/20/01]

10/24/01 298 NOTICE by defendant Hyseq, Inc. of change of firm name [5:99-cv-21163] (gm) [Entry date 10/30/01]

10/26/01 -- RECEIVED Proposed Order of dismissal and final judgment (defendant Hyseq, Inc.) [5:99-cv-21163] (gm) [Entry date 10/30/01]

10/30/01 299 STIPULATION and ORDER by Judge Jeremy Fogel : dismissing case (cc: all counsel) [5:99-cv-21163] (gm) [Entry date 10/30/01]

END OF DOCKET: 5:99cv21163